

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROY WEST,

Plaintiff,

v.

PATRICK WITHROW, *et al.*,

Defendants.

Case No. 2:25-cv-0537-DJC-JDP (P)

ORDER

Plaintiff is a county inmate proceeding pro se with an action filed under 42 U.S.C. § 1983. By order filed June 23, 2025, plaintiff was given the option to file an amended complaint or to proceed with his Fourteenth Amendment claims against defendants Kym, Plosser, Mendoza, Fanzia, Darren, and Does 5 through 50. Plaintiff has elected to proceed on his cognizable claim.<sup>1</sup> ECF No. 16.

The complaint states a cognizable claim for relief against defendants pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits.

---

<sup>1</sup> Shortly after plaintiff filed his notice to proceed with the cognizable claims, plaintiff filed a document titled first amended complaint. ECF No. 17. That complaint, however, is incomplete, and the allegations in the completed portion are identical to those in plaintiff's initial complaint. In light of plaintiff's notice to proceed, the court will accept plaintiff's notice of intent to proceed on the cognizable claims, and the operative complaint is that filed February 18, 2025.

1 The Clerk of Court is directed to issue a summons to defendants. Service of process shall  
2 be completed within ninety days. Plaintiff shall serve a copy of this order concurrently with  
3 service of process and file with the Clerk of Court a certificate of such service. Plaintiff is  
4 cautioned that this action or any unserved defendant may be dismissed if service of process is not  
5 accomplished within ninety days from the date that the complaint is filed. *See* Fed. R. Civ. P.  
6 4(m).

7 Accordingly, it is ORDERED that:

8 1. The Clerk of Court shall issue summons for the following defendants:

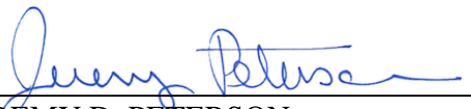
- 9 a. Dr. Kym, a pediatricist specialist at San Joaquin County Jail in 2022;  
10 b. Ma Del Carmen Plosser, a medical employee at San Joaquin County Jail in  
11 2022;  
12 c. Robyn Mendoza, a nurse practitioner at San Joaquin County Jail in 2022;  
13 d. Fanzia, a medical assistant at San Joaquin County Jail in 2022; and  
14 e. Darren, a registered nurse at San Joaquin County Jail in 2022.

15 2. Plaintiff is directed to serve each defendant with a copy of the summons and complaint  
16 within ninety days of this order's entry.

17 3. Failure to do so may result in a recommendation that any unserved defendants be  
18 dismissed without prejudice for failure to timely effect services of process.

19 IT IS SO ORDERED.  
20

21 Dated: October 22, 2025

22   
23 JEREMY D. PETERSON  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28